

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ALEX WEST and BARBARA  
ROCHELEAU-WEST,

Plaintiffs,

v.

WELLS FARGO BANK, N.A., individually, and  
As Trustee of the unknown asset-backed security  
at issue, and UNKNOWN HOLDERS, the  
unknown holders of said asset-backed security,

Defendant.

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Case No. 2:12-cv-13572  
Hon. Lawrence P. Zatkoff

**ORDER**

This matter is before the Court on Plaintiffs' Motion to Stay Defendant's Motion to Dismiss [dkt 12] and Motion to Strike Defendant's Response to Plaintiffs' Motion to Remand [dkt 13], both of which the Court shall briefly address.

In their Motion to Stay, Plaintiffs sought to stay Defendant's Motion to Dismiss while the Plaintiffs' previously filed Motion to Remand remained pending. On May 1, 2013, the Court denied Plaintiffs' Motion to Remand, and ordered Plaintiffs to respond to Defendant's Motion to Dismiss. Plaintiffs timely filed their response on May 24, 2013—thereby rendering moot Plaintiffs' Motion to Stay.

In their Motion to Strike, Plaintiffs sought to strike Defendant's Amended Response to the Motion to Remand, claiming that the Amended Response was filed the same day as Defendant's previous Response and that the E.D. of Mich. Local Rules allow only a single brief in support to be filed. This argument is misplaced, at best, and perhaps disingenuous to the Court. Defendant did not submit more than a single brief in support; the only difference between Defendant's two Responses is the inclusion of exhibits that were not attached due to a clerical error. Defendant corrected the error the same day and

appears to have done so upon the instruction of the ECF Help Desk. Plaintiffs suffered no unfair prejudice or harm and their Motion is therefore denied.

Accordingly, for the reasons set forth above, it is HEREBY ORDERED that Plaintiffs' Motion to Stay Defendants' Motion to Dismiss [dkt 12] and Plaintiffs' Motion to Strike Defendant's Response to Plaintiffs' Motion to Remand [dkt 13] are DENIED.

IT IS SO ORDERED.

Date: June 26, 2013

s/Lawrence P. Zatkoff  
LAWRENCE P. ZATKOFF  
U.S. DISTRICT JUDGE